

REMARKS

The Office Action dated May 18, 2005, has been received and carefully considered. In this response, claims 1, 10, 11, 12, 41 and 42 have been amended. Claims 2, 8 and 9 have been canceled. It is believed that this Amendment, in conjunction with the following remarks, places the application in immediate condition for allowance. Accordingly, entry of this Amendment and favorable consideration of the application are respectfully requested.

Applicants note with appreciation the indication on page 10 of the Office Action that claims 9 and 10 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Independent claims 1, 11, 12 and 41 have been amended to incorporate the limitations of claim 9 and any intervening claims, and accordingly these claims should now be allowable. Acknowledgment of the same is respectfully requested.

I. THE OBVIOUSNESS REJECTION OF CLAIMS 1-8 AND 11-42

On page 2 of the Office Action, claims 1-8 and 11-42 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fleming (U.S. Patent No. 5,953,710) in view of Mewhinney (U.S. Patent No. 6,804,346). This rejection is hereby respectfully traversed.

As stated in MPEP § 2143, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the

reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Although Applicants do not agree with the pending rejections, Applicants have nonetheless amended the independent claims to incorporate the limitations of claim 9 and all intervening claims. Accordingly, Applicants respectfully submit that independent claims 1, 11, 12, and 41 are now allowable over the cited references.

Claims 3-7, 10, 13-40 and 42 are dependent upon independent claim 1, 12 or 41. Thus, since independent claims 1, 12 and 41 should be allowable as discussed above, claims 3-7, 10, 13-40 and 42 should also be allowable at least by virtue of their dependency on independent claim 1, 12 or 41.

In view of the foregoing, it is respectfully requested that the aforementioned obviousness rejection of claims 1-8 and 11-42 be withdrawn.

II. CONCLUSION

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0206, and please credit any excess fees to the same deposit account.

Respectfully submitted,

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